

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
RYAN COLE	§	Case No. 24-40647
xxx-xx-9621	§	
and SARAH COLE	§	
xxx-xx-3835	§	
6624 Eastview, Sachse, TX 75048	§	
	§	
Debtors	§	Chapter 7

	§	
LIONSCOVE FUND I, LLC f/k/a	§	
DML CAPITAL MORTGAGE	§	
FUND LLC fka DML CAPITAL	§	
MORTGAGE FUND LLC	§	
	§	
Plaintiff	§	
	§	
v.	§	Adversary No. 24-4041
	§	
RYAN COLE and SARAH COLE	§	
	§	
Defendants	§	

**ORDER REGARDING SERVICE OF ADVERSARY COMPLAINT
UPON DEFENDANTS, RYAN COLE AND SARAH COLE**

ON THIS DATE the Court conducted a *sua sponte* review of the file in the above-referenced adversary proceeding. The Court finds that the Complaint in this proceeding was filed on June 18, 2024. The summons to Defendants, Ryan Cole and Sarah Cole, was issued on June 20, 2024 and delivered to Plaintiff for service. To date, no proof of service has been filed with the Court as required by Fed. R. Civ. P. 4(l), as incorporated into bankruptcy adversary proceedings by Fed. R. Bankr. P. 7004(a). The Court is unable to determine from the file whether service on these particular Defendants has been effected or whether the Plaintiff has merely permitted the summons to expire.

Fed. R. Bankr. P. 7004(e) requires that the summons and complaint be served ***within seven (7) days*** of the issuance of the summons. The timeliness of service is

essential in bankruptcy proceedings because the time for an answer to be filed under Fed. R. Bankr. P. 7012(a) is measured from the date of the issuance of the summons, rather than from the date that a defendants are served, as is the process under the Federal Rules of Civil Procedure. Since more than seven days have elapsed from the date of the issuance of the summons, the Plaintiff must take steps to have a new summons issued and timely served upon the above-named Defendants if the summons has not been previously served within the designated time periods. Accordingly,

IT IS THEREFORE ORDERED that the Plaintiff shall, within fourteen (14) days of the entry of this Order, either:

- (1) file a proof of service demonstrating that the complaint and the summons issued in this cause were properly served within seven (7) days of the issuance of such summons on the Defendants, Ryan Cole and Sarah Cole, pursuant to Federal Rule of Bankruptcy Procedure 7004;
- (2) provide for the issuance of a new summons to Defendants, Ryan Cole and Sarah Cole, and thereafter effect service on such Defendant in the proper manner and within the time constraints of Fed. R. Bankr. P. 7004(e); or
- (3) otherwise show cause by written response to the Court as to why this adversary proceeding should not be dismissed for want of prosecution.

IT IS FURTHER ORDERED THAT A FAILURE TO COMPLY WITH THE ABOVE DIRECTIVES MAY RESULT IN DISMISSAL OF THIS ADVERSARY PROCEEDING AS AGAINST THE ABOVE-NAMED DEFENDANT WITHOUT FURTHER NOTICE OR HEARING.

Signed on 07/02/2024



JD

THE HONORABLE JOSHUA P. SEARCY
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court
Eastern District of Texas

Lionscove Fund I, LLC f/k/a DML Capital,
Plaintiff
Cole,
Defendant

Adv. Proc. No. 24-04041-jps

CERTIFICATE OF NOTICE

District/off: 0540-4
Date Rcvd: Jul 02, 2024

User: admin
Form ID: pdf401

Page 1 of 1
Total Noticed: 4

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 04, 2024:

Recip ID	Recipient Name and Address
db	+ Sarah Cole, 6624 Eastview, Sachse, TX 75048-5200
aty	+ Mark D. Cronenwett, Lewis Brisbois Bisgaard & Smith, LLP, 2100 Ross Avenue, Suite 2000, Dallas, TX 75201-2719
aty	+ Vivian Lopez, Lewis Brisbois Bisgaard & Smith, LLP, 2100 Ross Ave., Suite 2000, Dallas, TX 75201-2719
dft	+ Ryan Cole, 6624 Eastview, Sachse, TX 75048-5200

TOTAL: 4

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
dft	*+	Sarah Cole, 6624 Eastview, Sachse, TX 75048-5200

TOTAL: 0 Undeliverable, 1 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 04, 2024

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 2, 2024 at the address(es) listed below:

Name	Email Address
Mark Cronenwett	on behalf of Plaintiff Lionscove Fund I LLC f/k/a DML Capital Mortgage Fund LLC mark.cronenwett@lewisbrisbois.com, scarlett.crittenden@lewisbrisbois.com;charlene.tackett@lewisbrisbois.com

TOTAL: 1